

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

KENNETH WELLS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

)
)
)
)
)
)
)
)
)
)

Civil Action No. 3:09-2286-PMD-JRM

ORDER

The Defendant, Michael J. Astrue, Commissioner of Social Security, by his undersigned attorneys, Kevin F. McDonald, Acting United States Attorney for the District of South Carolina, and Marvin J. Caughman, Assistant United States Attorney, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for purposes of conducting a *de novo* hearing. The Appeals Council will direct the ALJ to further evaluate all medical opinions of record, re-evaluate the claimant's subjective complaints, consider any witness testimony, re-evaluate the claimant's residual functional capacity and, if warranted, obtain supplemental vocational expert testimony.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby



REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.



Joseph R. McCrorey
United States Magistrate Judge

March 11, 2010.

Columbia, South Carolina.

¹The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.